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COURT OF APPEAL, FOURTH APPELLATE DISTRICT

DIVISION ONE

STATE OF CALIFORNIA

In re D.C.S. et al., Persons Coming Under  
the Juvenile Court Law.

SAN DIEGO COUNTY HEALTH AND  
HUMAN SERVICES AGENCY,

Plaintiff and Respondent,

v.

MILTON S.,

Defendant and Appellant.

D055982

(Super. Ct. No. EJ3002A-B)

APPEAL from an order of the Superior Court of San Diego County, Gary M.  
Bubis, Judge. Affirmed.

Presumed father Milton S. appeals the juvenile court's six-month review order in the dependency case of his daughter, D.C.S., and son, D.D.S. Milton challenges the finding he was provided reasonable reunification services and the denial of unsupervised visitation. We affirm.

## BACKGROUND

In September 2008, when D.C.S. was seven years old and D.D.S. was six years old, the San Diego County Health and Human Services Agency (the Agency) filed dependency petitions alleging Milton had sexually abused D.D.S. by digitally penetrating his anus, causing pain.<sup>1</sup> The children were detained in Polinsky Children's Center and then with a nonrelative extended family member (NREFM). In February 2009, the court entered true findings on the petitions, ordered the children placed with the NREFM, and ordered Milton to participate in reunification services. In May, the children were moved to the home of their maternal great-grandmother. The six-month review hearing took place in September.

## I SERVICES

When the court orders reunification services, the Agency must make a good faith effort to provide services tailored to the family's needs. (*Steve J. v. Superior Court* (1995) 35 Cal.App.4th 798, 810; *In re Christopher H.* (1996) 50 Cal.App.4th 1001, 1006, quoting *In re Michael S.* (1987) 188 Cal.App.3d 1448, 1458.) Reunification services need not be "the best that might be provided in an ideal world, but [rather those] reasonable under the circumstances." (*In re Misako R.* (1991) 2 Cal.App.4th 538, 547.)

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<sup>1</sup> At the jurisdictional and dispositional hearing, the court amended the petitions by deleting allegations that the penetrations occurred on multiple occasions and D.C.S. stated that someone had touched her vagina.

We apply the substantial evidence standard of review to the finding that reasonable services were provided. (*Id.* at pp. 544-545.)

Milton contends the reasonable services finding is unsupported by substantial evidence because the Agency did not offer adequate services related to sexual abuse.<sup>2</sup> Milton argues the therapy groups the Agency chose rejected him because he denied the abuse, and once the Agency learned there was no current deniers' group, it never inquired when such a group would be available. Milton asserts the individual therapist to whom the Agency referred him eventually terminated therapy because she was unqualified to handle an alleged sexual abuse perpetrator.

The Agency made reasonable efforts to locate suitable services for Milton. On February 11, 2009, one week after the court ordered services, the Agency referred him to individual counseling and sexual abuse group therapy. He began participating in both. Despite the true findings by clear and convincing evidence, Milton denied the sexual abuse. The Agency recognized the group therapy might not be appropriate unless Milton took responsibility for the abuse. The Agency accordingly referred him to Sharper Future for a treatment assessment. In March Milton attended the first of two intake meetings at Sharper Future.

After at least seven individual therapy sessions, Milton continued to deny the sexual abuse. In late May 2009, the therapist therefore determined she could no longer treat him. Around the same time, the Agency told Milton that the sexual abuse treatment

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<sup>2</sup> Some of the events Milton cites occurred before the dispositional hearing. Any challenge to those events is untimely.

program to which it had referred him did not have enough participants for a deniers' group.

In June 2009, Milton had his second intake meeting at Sharper Future. In late July the Agency asked Sharper Future for a treatment update. On August 10, the Agency received Sharper Future's report. The report concluded "group therapy with sexual offenders who admit to offenses" was inappropriate because Milton had no sexual offense convictions. The report stated individual therapy might be sufficient if it addressed certain issues. Upon receiving the report, Agency advised Sharper Future of the juvenile court's true findings.

Before Sharper Future released a revised report approximately one month later, the Agency had further discussions with Sharper Future and the Agency's staff psychologist about suitable treatment for Milton. Upon receiving the revised report, which ruled out group therapy and recommended individual therapy, the Agency immediately began searching for individual therapists. The search was continuing when the six-month review hearing took place two weeks later.

It took time and a period of individual therapy to ascertain that Milton was not going to accomplish a crucial goal of his reunification plan, acknowledgement of the sexual abuse. Once that was established, detailed assessments were necessary to determine his specific treatment needs. Contrary to Milton's suggestion, a deniers' group was not the only possible method of treatment. The experts also recommended individual therapy.

As the juvenile court recognized, it is difficult to fashion an appropriate treatment plan for a parent who has sexually abused a child and denies having done so. Although the services here were not perfect, they were adequate. Substantial evidence supports the finding Milton was provided reasonable reunification services.

## II

### SUPERVISED VISITATION

At the jurisdictional and dispositional hearing, the court granted Milton supervised visitation and gave the Agency discretion to allow overnight visits with both parents upon notice to the children's counsel, and to allow a 60-day trial visit with both parents upon the concurrence of children's counsel. At the six-month review hearing, the court continued the supervision requirement for Milton's visits and the Agency's discretion. The court ordered unsupervised visitation for the children's mother, M.C., but required the visits take place in the caregiver's home, with another adult present who could verify that Milton was not there.<sup>3</sup>

Milton contends he should be allowed visits on the same terms as M.C. He argues the court's denial of unsupervised visitation is unsupported by substantial evidence because there was no showing of detriment to the children. Because the court did not deny visitation, no showing of detriment was required and the substantial evidence

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<sup>3</sup> After the Agency rested its case, its counsel requested that M.C.'s visits be brief. M.C.'s counsel added "there has to be someone within earshot at all times." The court responded "Okay. No other evidence?" At the end of the hearing, at the court's request, the Agency's counsel recited the conditions on M.C.'s visitation. Neither counsel nor the court stated that visits would be brief or within earshot of another person.

standard of review is inapplicable. (Cf. *In re Mark L.* (2001) 94 Cal.App.4th 573, 580-581.) We review the juvenile court's order for an abuse of discretion. (*In re Alexandria M.* (2007) 156 Cal.App.4th 1088, 1091, 1095-1096.)

Milton adamantly denied the sexual abuse even after the true finding. Clearly, the risk of abuse remained. Furthermore, neither M.C. nor the children's caregiver believed the sexual abuse had occurred and were therefore unlikely to protect the children or believe them if they disclosed any further abuse. "No visitation order shall jeopardize the safety of the child." (Welf. & Inst. Code, § 362.1, subd. (a)(1)(B).) The supervision requirement was necessary to ensure the children's safety. The juvenile court did not abuse its discretion by ordering that Milton's visits be supervised.

#### DISPOSITION

The order is affirmed.

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McCONNELL, P. J.

WE CONCUR:

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NARES, J.

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O'ROURKE, J.